



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 53080
Tsutomu OHZUKU, et al. : Confirmation Number: 3395
Application No.: 10/506,298 : Group Art Unit: 1795
Filed: September 01, 2004 : Allowed: January 09, 2009
Examiner: ECHELMEYER, Alix E.

For: ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF,
AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY

**THIRD REQUEST FOR
COMPLETE ACKNOWLEDGEMENT OF THE CITED ART**

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Office-Communication dated March 11, 2009.

In reviewing the file, it is noted that:

1. We still have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed February 6, 2009. Specifically, **DONG, Dianquan et al., "Synthesis of $\text{LiCu}_{0.5}\text{Mn}_{1.5}\text{O}_4$ and its Li^+ extraction/insertion reaction in aqueous solution," Database CA [online] Chemical Abstracts Service; XP-002502577** listed under "**Other Art**" is not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and Electronic Acknowledgment Receipt, indicating that this reference was received by the USPTO. An abstract of this reference is provided, thus a concise explanation of the relevance is provided. Also enclosed please find a copy of the partially initialed PTO-1449 received

No.: 10/506,298

with the Communication dated March 11, 2009. **A copy of the reference is enclosed for the Examiner's convenience.**

2. We still have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed July 16, 2007. Specifically, **ROSSEN, E., et al., "Structure and Electrochemsitry of $\text{Li}_x\text{Mn}_y\text{Ni}_{1-y}\text{O}_2$ ", SOLID STATE IONICS, 1992, page 311-318, Vol. 57, Elsevier Science Publishers B.V. (on page 8 of the PTO-1449)** listed under "**Other Art**" is not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard acknowledgement, indicating that this reference was received by the USPTO. Also enclosed please find a copy of the partially initialed PTO-1449 received with the Communication dated March 11, 2009. **A copy of the reference is enclosed for the Examiner's convenience.**

Applicant hereby respectfully requests that:

- (1) the **completely** acknowledged PTO-1449s be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP



Bernard P. Codd
Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:kh
Facsimile: 202.756.8087
Date: March 25, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**

Electronic Acknowledgement Receipt



EFS ID:	4751307
Application Number:	10506298
International Application Number:	
Confirmation Number:	3395
Title of Invention:	ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF, AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY
First Named Inventor/Applicant Name:	Tsutomu Ohzuku
Customer Number:	20277
Filer:	Bernard P. Codd/Margaret Barham
Filer Authorized By:	Bernard P. Codd
Attorney Docket Number:	43888-325
Receipt Date:	06-FEB-2009
Filing Date:	01-SEP-2004
Time Stamp:	16:34:03
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	2043
Deposit Account	500417
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement Letter	P03022002_IDS_043888-0325.pdf	126195 6ae38509ab43e325e31fa1fb8499730135b221d	no	3

Warnings:**Information:**

2	NPL Documents	P03022002_NPL2_043888-0325.pdf	49876 825a48f3337bcfe1dc1a7dbaafdc52eb3b27bb56	no	1
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Warnings:**Information:**

3	NPL Documents	P03022002_NPL3_043888-0325.pdf	669065 2d62771fda50a3138df4c894cae4f51e7b786eb0	no	7
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Warnings:**Information:**

4	NPL Documents	P03022002_NPL4_043888-0325.pdf	512353 d69f48b0d938fbb2a672e7f9a8218f3e3daa564e	no	7
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Warnings:**Information:**

5	NPL Documents	P03022002_NPL5_043888-0325.pdf	209243 02f7b763936505a55792d44a8d49982cd1880242	no	4
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Warnings:**Information:**

6	NPL Documents	P03022002_NPL6_043888-0325.pdf	315493 8fc2ed5b387eef09a888817fc88f270d8c68516b	no	5
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Warnings:**Information:**

7	NPL Documents	P03022002_NPL7_043888-0325.pdf	478014 286743e4662941630d96512d53e49781950f60ce	no	7
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Warnings:**Information:**

8	NPL Documents	P03022002_NPL8_043888-0325.pdf	521059 3f6506ef88926784cb8418b7efc16586ded335c2	no	8
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Warnings:**Information:**

9	NPL Documents	P03022002_NPL_043888-0325.pdf	61581 c05c58755a2ff35784e13be88b71a78d6ab3db21	no	4
Warnings:					
Information:					
10	Fee Worksheet (PTO-06)	fee-info.pdf	30934 32a3aff74c073d7927bdd282b907ede71151a2d4	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			3073813		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Docket No.: 043888-0325

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
	:	
Tsutomu OHZUKU, et al.	:	Confirmation Number: 3395
	:	
Application No.: 10/506,298	:	Group Art Unit: 1795
	:	
Filed: September 01, 2004	:	Examiner: ECHELMEYER, Alix E.
	:	
For: ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF, AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY		

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

**REQUEST TO CONSIDER REFERENCES AFTER CLOSE OF PROSECUTION AND
BEFORE PAYMENT OF ISSUE FEE**

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. Please charge the processing fee under 1.17(p) of **\$180.00** to Deposit Account 500417.

CERTIFICATION PARAGRAPH

The undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement as described in 37 CFR 1.97(e)(1).

Each reference was cited in a European application search report and its relevance discussed therein. A copy of the European Search Report is attached for the Examiner's information. Please note that the references **"Solid-state redox potentials for $\text{Li}[\text{Me}_{1/2}\text{Mn}_{3/2}]\text{O}_4$ (Me: 3d-transition metal) having spinal-framework structures: a series of 5 volt materials for advanced lithium-ion batteries"** and **"Synthesis and Electrochemistry of $\text{LiNi}_x\text{Mn}_{2-x}\text{O}_4$ "** have been previously cited in Information Disclosure Statement filed on August 15, 2005 and September 1, 2004, respectively.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd

Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:mjb
Facsimile: 202.756.8087
Date: February 6, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**



Applicant: Tsutomu OHZUKU, et al. Docket No. 043888-0325 Serial No. 10/506,298
Title: POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY Patent No. _____
Date Sent: 7/16/2007 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ 1st Class Mail ☐ Express Mail No. _____
☐ Transmittal Letter
☐ New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ RCE ☐ Prov
☐ Other: _____
pages of Specification _____
pages of Claims _____
pages of Abstract _____
pages of Formal/Informal Drawings _____
☐ Small Entity ☒ Large Entity
☐ Declaration/Power of Attorney
☒ Recordation of Assignment/Security Agreement
☒ Information Disclosure Statement
8 Form PTO 1449
63 References attached
☐ Preliminary Amendment
☐ Response to Missing Parts Notice
☐ Resp. to Notice to Correct App. Papers
☐ Certified Copy of Priority Doc.
☐ Claim for Convention Priority
☐ Response/Amendment to Office Action of _____
☐ Request for _____ month Extension of Time
☐ Letter submitting _____ pages of drawings
☐ Req. for Approval of Drawing Amendments
☐ Req. for Oral Hearing
☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief
☐ Rule 312 Amendment/Letter
☐ Req. for Acknowledgement of Cited Art
☐ Issue Fee
☐ Publication Fee
☐ Req. for Certificate of Correction
☐ Maintenance Fee for _____ years after grant
☐ Fee Address Indication Form _____
☐ Terminal Disclaimer
☒ Korean Office Action (1)
☒ Japanese Office Actions (2)
☒ Observation of a third party - Japanese (2)



Check for	\$	<input checked="" type="checkbox"/> Charge Deposit Acct. 500417	\$ 180.00	Atty Init.	BPC	Tkpr. #	5624	Secy. or PL:	LLNguyen
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CLASS Descrip.: 10-\$180

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.



Docket No.: 043888-0325

PATENT

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In re Application of

Customer Number: 53080

Tsutomu OHZUKU, et al.

Confirmation Number: 3395

Application No.: 10/506,298

Group Art Unit: 1745

Filed: September 01, 2004

Examiner: BELL, BRUCE F

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Commissioner for Patents
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